

1



### Notice to Appear

File No: A35 345 047

DIN#: 00R7281

EPR: January 25, 2002

In the Matter of:

Respondent:	TOROSIAN	Vrej	Ohanes
A/K/A	VEJ, Torosian	TOROSIAN, Vrej t currently residing at:	
	Oneida Correctional Facility		
	6100 School Road	Rome, NY	13440
	(Number, street, city, state and ZIP code)		

(Number, street, city, state and ZIP code)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

**The Service alleges that you:**

**SEE ATTACHED I-831 FOR ALLEGATIONS**

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

**SEE ATTACHED I-831 FOR CHARGES**

- [ ] This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
- [ ] Section 235(b)(1) order was vacated pursuant to: [ ] 8 CFR 208.30(f)(2) [ ] 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

Executive Office for Immigration Review	Box 800, Berne Road
Immigration Court	Napanoch, NY 12458

(Complete Address of Immigration Court, Including Room Number, if any)

on \_\_\_\_\_ date, time and place to be set \_\_\_\_\_ to show why you should not be removed from the

(Date) (Time)

United States based on the charge(s) set forth above.

*Jeph Chalk*

Date: January 31, 2001

(Signature and Title of Issuing Officer)  
Institution Hearing Program Director

New York, New York  
(City and State)

Form I-862(Rev. 4/1/97)



### Notice to Respondent

- \* **Warning:** Any statement you make may be used against you in removal proceedings.
- \* **Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.
- \* **Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no Removal will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.
- \* **Conduct of the Removal:** At the time of your Removal, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the Removal.
- \* **At your Removal** you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government.
- \* **You will be advised** by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.
- \* **Failure to appear:** You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of Removal will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your Removal. If you fail to attend the Removal at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

#### Request for Prompt Removal

To expedite a determination in my case, I request an immediate Removal. I waive my right to have a 10-day period prior to appearing before an immigration judge.

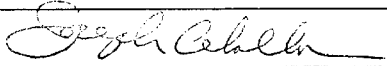
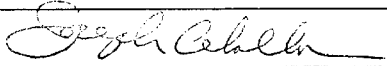
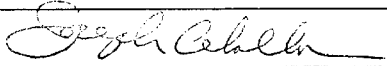
Before:	_____ (Signature and Title of INS Officer)	_____ (Signature of Respondent)
		_____ Date:

Certificate of Service	
This Notice to Appear was served on the respondent by me on _____, in the following manner and in compliance with section 239(a)(1)(F) of the Act:	
<input type="checkbox"/> in person	<input type="checkbox"/> by certified mail, return receipt requested <input checked="" type="checkbox"/> by regular mail
<input checked="" type="checkbox"/> Attached is a list of organizations and attorneys which provide free legal services.	
<input type="checkbox"/> The alien was provided oral notice in the <u>English</u> language of the time and place of his or her removal and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.	
_____ (Signature of Respondent if Personally Served)	_____ (Signature and Title of Officer)



U.S. Department of Justice  
Immigration and Naturalization Service

Continuation Page for Form NTA

Alien's Name	File Number	Date				
TOROSIAN, Vrej Ohannes	A35 345 047	January 31, 2001				
<p>AKA: VEJ, Torosian; TOROSIAN, Vrej O.; TOROSIAN, Vreg; TOROSIAAN, Vres O.; TOROGIAN, Frank; TDROSIAN, Frank, TOROGIAN, Frank; TOROSIAN, Urej; TOROSIAN, Frank; VREJ, TOROSIAN</p> <p><b><u>ALLEGATIONS:</u></b></p> <p>1. You are not a citizen or national of the United States;</p> <p>2. You are a native of Iraq and a citizen of Iraq;</p> <p>3. You were admitted to the United States at New York, New York on May 7, 1976, as a Lawful Permanent Resident;</p> <p>4. You were convicted of the crime of Grand Larceny in the Fourth Degree, in violation of Section 155.30 of the New York State Penal law, pursuant to a judgment entered on or about November 29, 2000, by the Supreme Court of the State of New York, County of Queens, under indictment number 100-2000;</p> <p>5. You were convicted of the crime of Criminal Possession of Stolen Property in the Fourth Degree, in violation of Section 165.45 of the New York State Penal law, pursuant to a judgment entered on or about November 29, 2000, by the Supreme Court of the State of New York, County of Queens, under indictment number 100-2000;</p> <p>6. You were convicted of the crime of Criminal Possession of Stolen Property in the Fifth Degree, in violation of Section 165.40 of the New York State Penal law, pursuant to a judgment entered on or about November 29, 2000, by the Supreme Court of the State of New York, County of Queens, under indictment number 100-2000;</p> <p>7. As a result of the aforesaid convictions for Grand Larceny and Criminal Possession of Stolen Property, you were sentenced to a term of imprisonment of at least one year on each charge.</p> <p><b><u>CHARGE:</u></b></p> <p>Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(G) of the Act, a crime of violence (as defined in Section 16 of Title 18, United States Code, but not including a purely political offense) for which the term of imprisonment ordered is at least one year.</p> <table border="1"><tr><td>Signature</td><td>Title</td></tr><tr><td></td><td>Institutional Hearing Program Director</td></tr></table>			Signature	Title		Institutional Hearing Program Director
Signature	Title					
	Institutional Hearing Program Director					

PAGE #



ALIEN NUMBER: 35-345-047

ALIEN NAME: \*S-TOROSIAN, VREJ OHANNES

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: ☒ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ INS

DATE: 11-27-01 BY: COURT STAFF mcp

Attachments: ☒ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☒ other

Appeal plus EOIR 26 EOIR 26A EOIR 27

Q6



2



**POST ORDER CUSTODY REVIEW WORKSHEET FOR FILE REVIEW  
AND/OR INTERVIEW**

**Detainee Name:** TOROSIAN, Vrej Ohannes **Date of Birth:** 08/23/59 **"A" Number:** A35 345 047

**AKAs:** TOROSIN, Frank

**BOP Number:**

**Country of Birth:** Iraq

**Citizenship:** Iraq

**Date of Arrival:** May 7, 1976

**Place of Arrival:** New York, NY

**Manner of Arrival:** Immigrant

**Last Date into INS Custody:** 02/12/2002

**Entered INS Custody from:**

☐  
☒

**Local** ☒ **State** ☐ **Federal Institution**  
**Other**

**Location:** New York Department of Corrections **Institution Number:** 798-1677

**Immigration History:** (Prior INS arrest[s]/parole/bond/custody information)

Describe: None

**Deportation Officer:** David W. Savina

**Date of Review:** 06/21/2002

**Location Detained:** Montgomery County correctional Facility  
60 Eagleville Road  
Norristown, PA 19403

**Deportation/Exclusion/Removal Proceedings**

**List all Charges:** ☒ Section 237 (a)(2)(A)(iii)  
☐ Section 212 (a) , ,  
☐ Section 241 , ,

☒ Under Final Order dated: 03/22/2002 by ☐ IJ ☒ BIA ☐ Other

☒ Appeal Waived/Appeal Time Elapsed

**Travel Document Status/History:** Travel document request sent on May 2, 2002, to HQD&R and the Iraq interest section.



---

**Legal Representative / Attorney**G-28 Filed: ☐ Yes ☒ NoLegal Rep/Atty. Notified of Interview: ☐ Yes ☒ N/A by:  
on:

Name of Representative / Attorney:

---

**Criminal History**Outside the United States: Unknown  
(specify nature of crime, whether convicted, sentence imposed, date, and country)

In the United States: Yes, see below

NCIC Checks: ☒ Criminal History (State and Federal) ☐ No record Found

FBI# 942218LA8

SID# NY5044804Q

## Summary of NCIC Checks:

09/12/94 - Convicted: Att. Unauthorized Use of a Vehicle - Disp: Conditional Discharge  
08/26/94 - Convicted: Petit Larceny - Disp: 30 Days  
11/02/94 - Convicted: Criminal Trespass 3<sup>rd</sup> - Disp: Conditional Discharge  
11/22/94 - Convicted: Poss. Burglary Tools - Disp: Unknown  
04/10/95 - Convicted: Crim/Mischief Intent to Damage Prop. - Disp: 30 Days  
12/09/95 - Convicted: CPCS 7<sup>th</sup> - Disp: 7 Days  
09/21/96 - Convicted: CPCS 7<sup>th</sup> - Disp: License suspended/ 5 Months  
09/21/96 - Convicted: Petit Larceny - Disp: 15 Days  
09/21/96 - Convicted: CPCS 7<sup>th</sup> - Disp: 15 Days  
10/10/96 - Convicted: CPCS 7<sup>th</sup> - Disp: 15 Days  
05/06/97 - Convicted: CPSP 4<sup>th</sup> - Disp: Time Served  
04/06/98 - Resentenced: Probation Violation for CPSP - Disp: 1 Year  
09/30/97 - Convicted: CPCS 7<sup>th</sup> - Disp: 20 Days  
09/22/00 - Convicted: Grand Larceny - Disp: 2 - 4 Years

---

**Institutional / Disciplinary Record**Did the detainee have prior Disciplinary Reports? ☒ Yes ☐ No

If Yes, List &amp; Describe: 30 Days for Threats

Disciplinary reports and Incidents while in INS Custody? ☐ Yes ☒ No

If Yes, List &amp; Describe:

Page 2



---

## Specifics of Interview

**Date of File Review:** June 21, 2002

**Date of Detainee Interview:** Subject was not interviewed during this review

**Location of Interview:** N/A

**Interviewing Officer:#1:** N/A

**Interpreter Used:** ☐ Yes ☐ No **Name:**  
**Language/Dialect:**

---

**Does the detainee have a place to live in the United States?** ☐ Yes ☒ No

Address: None provided by subject prior to review.

**Is the detainee subject to any parole or probation requirements?** ☒ Yes ☐ No

Describe: New York Probation until 9/2002.

**Does the detainee have close family ties within the United States?** ☐ Yes ☒ No

Describe: None provided by subject prior to this review.

**Does the detainee have any community ties or non-governmental sponsors?** ☐ Yes ☒ No

Describe: None found or provided prior to this review.

**Does the detainee have any employment prospects?** ☐ Yes ☒ No

Describe: None provided prior to this review.

**What is the detainee's employment history?**

Describe: Unknown and not provided prior to this review.

**What is the detainee's educational level?**

Describe: Unknown and not provided prior to this review.

**Does the detainee have any vocational training?** ☐ Yes ☒ No

Describe: Unknown and not provided.



---

---

**Medical/Psychological Concerns**

Medical/Psychological Report : ☐ In A-File ☒ None ☐ Not Available

Date and Source:

Summary:

---

---

Other documentary evidence for consideration in this review:

NCIC Report  
New York PSI

---

---

**Discussion at Interview**

Notes: This subject was not interviewed during this review.



The INS detainee was found ☐ CREDIBLE ☐ NOT CREDIBLE

**Explain:** This section is not applicable to this review.

### Officer Comments/Analysis & Recommendation


On June 21, 2002 Mr. Torosian's case file was reviewed for possible release from Service custody.

Mr. Torosian arrived in the United States from Iraq as an immigrant on May 7, 1976. On September 22, 2000, Mr. Torosian received two to four years in prison for a Grand Larceny conviction. This was the subject's fourteenth conviction in the past six years. Mr. Torosian has received convictions for Larceny, Theft, Drugs, and Possession of Burglary Tools and Stolen Property. In the New York probation PSI he was judged as having "a pattern of anti-social behavior", and refused to cooperate or be interviewed.

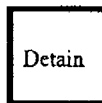
The subject has not taken advantage of any rehabilitative courses or programs while in State custody. Additionally, Mr. Torosian has not accepted responsibility or shown remorse for his actions.

Mr. Torosian has not provided this writer with any evidence of positive equities in the U.S. that would aid him if he were to be released. The subject has not shown through clear and convincing evidence that he would not pose a threat to the community, or a risk of flight if released.

Therefore, after carefully reviewing Mr. Torosian case file and taking into consideration the above stated facts, this writer recommends that Mr. Torosian remain in Service custody at this time. Additionally, this writer recommends that the subject's case be transferred to the HQPDU unit for further review.

  
Interviewing Officer: David W. Savina

6/21/02  
Date:



Detain

Release

  
Reviewed by:

7/5/02  
Date:



Concur

Do Not Concur



- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION
- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION UNDER BOND

Bond Amount: \_\_\_\_\_

- ☐ CONTINUE IN CUSTODY / RETAIN CUSTODY DETERMINATION AUTHORITY FOR AN ADDITIONAL 90 DAYS AFTER REMOVAL PERIOD.
- ☒ CONTINUE IN CUSTODY / TRANSFER CUSTODY DETERMINATION AUTHORITY TO HQ PDU.

Comments (attach additional sheet(s) if necessary):

INS District Office:

Signature of District Director:  
or of District Director's Designee

*Phila PA*  
*JPSaller*  
*JPSaller* *DAM*  
(Printed Name & Title)

Date:

*7/9/02*

**HEADQUARTER'S REVIEW OF CONTINUED DETENTION**

Reviewing Officers	Concur	Reconsider	Date
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____

For comments, please refer to the "Headquarters Post Order Custody Review" form.





U.S. Department of Justice  
Immigration and Naturalization Service

1600 Callowhill Street  
Philadelphia, PA 19108

Vrej Ohannes TOROSIAN  
C/O Berks County Correctional Facility  
1287 County Welfare Road  
Leesport, PA. 19533

A#35 345 047

**Notice to Alien of File Custody Review**

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS District Director will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you will not pose a danger to the community and will not present a flight risk.

Your custody status will be reviewed on or about: (June 21, 2002). The District Director may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel document.
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The district director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

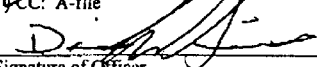
U.S. Department of Justice  
Immigration and Naturalization Service  
Attn: Deportation Officer  
1287 County Welfare Road  
Leesport, PA. 19533

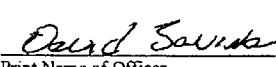
**METHOD OF SERVICE**

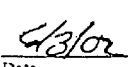
I certify that this form was provided to the alien by:  
( ) CC: Attorney of Record or Designated Representative  
(☒) CC: A-file

(Hand)

(Institution Mail)

  
Signature of Officer  
(Final 10/18/99)

  
Print Name of Officer

  
Date



3



NEW YORK STATE SUPREME COURT  
Queens County, Part K-5



SENTENCE & COMMITMENT

THE PEOPLE OF THE STATE OF NEW YORK VS.										Ind. No: <u>3817-99</u>
<u>VRES, TOROSIAN</u>										Date: <u>11-29-00</u>
<u>M</u>	<u>8/23/59</u>	<u>5</u>	<u>0</u>	<u>4</u>	<u>4</u>	<u>8</u>	<u>0</u>	<u>4</u>	<u>Q</u>	Hon: <u>D. Lewis</u> Justice.
SEX	DOB	NYSID NUMBER								Court Reporter: <u>B. Tabinsky</u>

The defendant having been		It is the Judgment of the Court that the defendant be and hereby is sentenced to			
<input checked="" type="checkbox"/> convicted of the crime(s) of:	<input checked="" type="checkbox"/> an indeterminate term of	<input type="checkbox"/> definite term of imprisonment of:			
<input type="checkbox"/> adjudicated a Youthful Offender:	<input type="checkbox"/> imprisonment which shall have a:	<input type="checkbox"/> determinate term of imprisonment of:	(specify days, mos. or yr.)		
Pl Sec.	crime(s)	min term (yrs)	max term (yrs)		
<u>16545</u>	<u>CPS4</u>	<u>2</u>	<u>4</u>		
<u>16505(01)</u>	<u>Unauthorized</u>	<u>00/00</u>	<u>1/1</u>	<u>one year</u>	
<u>USE OF VEHICLE 3</u>					

RECEIVED

as a ☒ second felony offender ☐ second violent felony offender

☐ persistent felony offender ☐ persistent violent felony offender

☐ juvenile Offender — date crime committed \_\_\_\_\_

☐ violent felony offender with prior nonviolent felony offense \_\_\_\_\_

REG 07 2000

ULSTER C.F.

and/or ☐ pay a fine of \$ \_\_\_\_\_ or serve a term of \_\_\_\_\_ days

and that this sentence shall run concurrent with 100/2000 and each other

consecutive to \_\_\_\_\_

The defendant shall pay:

☒ a surcharge of \$ 150 or serve a term of \_\_\_\_\_ days ☒ from inmate funds

☒ a Crime Victim Assistance Fee of \$ 5 ☒ from inmate funds

The defendant is hereby committed to the custody of the New York City Department of Correction to be delivered to:

☒ New York State Department of Correctional Services until released according to law.

☐ New York City Correctional Institution for Men/Women until released according to law.

☐ New York State Division for Youth to be housed in a secure facility until released according to law.

☐ Court directs sentence to be executed as a sentence of Parole Supervision.

Defendant's home address: 36-09 32nd St LIC N.Y. 11101

(number & street) (city, state, zip)

REMARKS: \_\_\_\_\_

Hon. Gloria D'Amico by Caroline Ellis (print name)

Clerk of the Court C. Ellis (signature)

Court Clerk



NEW YORK STATE SUPREME COURT  
Queens County, Part K-5



SENTENCE & COMMITMENT

THE PEOPLE OF THE STATE OF NEW YORK  
VS.  
VRES TOROSIAN

Ind. No: 100-2000  
Date: 11-29-00  
Hon: D. Lewis  
Justice.  
Court Reporter: C. Tabinsky

SEX	DOB	NYSID NUMBER
M	8/23/59	50448040

The defendant having been

☒ convicted of the crime(s) of:

☐ adjudicated a Youthful Offender:

It is the Judgment of the Court that the defendant be and hereby is sentenced to

☐ an indeterminate term of

imprisonment which shall have a:

☐ definite term of imprisonment of:

☐ determinate term of imprisonment of:

Pl Sec.

crime(s)

155.30 G.L.4

165.45 CPSP4

165.40 CPSP5

min term (yrs)

2

2

00/11  
70

max term (yrs)

4

4

(specify days,  
mos. or yr.)

One year

as a

☒ second felony offender

☐ persistent felony offender

☐ juvenile Offender — date crime committed

☐ violent felony offender with prior nonviolent felony offense

☐ second violent felony offender

☐ persistent violent felony offender

RECEIVED

DEC 07 2000

ULSTER C.F.

and/or

☐ pay a fine of \$

or serve a term of days

and that this sentence shall run concurrent with

3817-99 and each other

consecutive to

The defendant shall pay:

☒ a surcharge of \$ 150 or serve a term of days

☒ a Crime Victim Assistance Fee of \$ 5

☒ from inmate funds

☒ from inmate funds

The defendant is hereby committed to the custody of the New York City Department of Correction to be delivered to:

☐ New York State Department of Correctional Services until released according to law.

☐ New York City Correctional Institution for Men/Women until released according to law.

☐ New York State Division for Youth to be housed in a secure facility until released according to law.

☐ Court directs sentence to be executed as a sentence of Parole Supervision.

Defendant's home address: 36-09 32nd St LIC N.Y. 11101

REMARKS:

Hon. Gloria D'Amico  
Clerk of the Court

by

a true correct from the minutes:

Caroline Ellis

(print name)

C. Ellis

(signature)

Court Clerk

WHITE - CORRECTIONS

CANARY - COURT FILE

PINK - BOARD OF ELECTIONS (IF APPLICABLE)

SC-CR5 REV. 9-95



NEW YORK CITY DEPARTMENT OF PROBATION  
PRE-SENTENCE INVESTIGATION

00R7281

Probation Case # QS00-03147  
QS00-03450  
Investigating P.O.  
JULIAN GOLDSMITH

Indictment/  
Docket# 1: 3817-99  
2: 0100-00

SUPREME Court QUEENS County  
NYSID #: 50448046 FBI #: 942218LA8

A. PERSONAL INFORMATION

Name (Last, First, Middle, Maiden) TOROSIAN, VREJ		AKA TOROSIAN, BERG; TOROGIAN, FRANK TOROSIAN FRANK; TOROSIAN, UREG; TOROSIAN, VRES	
Present Address (Indicate Apt. # or P.H.) 36-09 32ND STREET, LONG ISLAND CITY, N.Y. 11101		Telephone # NONE	
Birthdate 8/23/59	Place of Birth LEBANON	Citizenship U.S.A.	
Marital Status DIVORCED	Lives With N/A	Sex MALE	Race WHITE
Ethnicity			
Height 5'9"	Weight 160	I.D. Marks	Social Security # 096-58-3550

B. PRESENT COURT PROCEEDING

Judge/Pert: HONORABLE DANIEL LEWIS / K-5	Assistant District Attorney: WRIGHT		
Counsel's Name/Address: ZARO 123-33 83RD AVENUE, KEW GARDENS, N.Y. 11415	Defendant's Status at Interview: Custody <input checked="" type="checkbox"/> Liberty		
Offense Date: 12/27/99 - 1/9/00	Arrest Date: 12/27/99 - 1/9/00	Conviction Date: 8/15/00 - 9/22/00	Scheduled Sentence Date: 11/29/00

Indictment/Information Charges: GRAND LARCENY 4°, CRIMINAL POSSESSION OF STOLEN PROPERTY 4°, UNAUTHORIZED USE  
OR MOTOR VEHICLE 3° (3817-99) CRIMINAL POSSESSION OF STOLEN PROPERTY 4° (0100-00)

Final Charge (Plea): CRIMINAL POSSESSION OF A STOLEN PROPERTY 4°, UNAUTHORIZED USE OF MOTOR VEHICLE 3°  
(3817-99) GRAND LARCENY 4°, CRIMINAL POSSESSION OF STOLEN PROPERTY 4°, C.P.S.P. 5° (0100-00)

Co-Defendant(s) Name(s)	Co-Defendant(s) NYSID #	Co-Defendant(s) Case Status

C. LEGAL INFORMATION

Other Pending Charges/Warrants	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	See Attached Criminal History
Prior Convictions	<input checked="" type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	
Predicate Felon?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	See Attached Criminal History
Current Probation/Parole Supervision	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
Prior Probation/Parole Violation	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If Yes <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Completed	
Prior History of Absconding/Escape from Institution/Court	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
Prior History of Bench Warrant	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
History of Violence/Weapons Use	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
Youthful Offender Eligible	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Juvenile Offender <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior P.S.I. Attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Birthdate Verified	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Y.O. Recommended	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Disposition:

Date:



UPDATE:

The defendant last appeared in Court on 10/31/00 before Your Honor at which time, the case was further adjourned to 11/29/00 in order for this Department to complete out investigation in light of the defendant's refusal to cooperate and be interviewed. An attempt was made once again to interview the defendant on 11/16/00, however, he did refuse to cooperate. A signed Department of Corrections refusal slip is in the case folder. While it was noted in the prior pre-sentence investigation reports that the defendant was "not produced" by the Department of Correction on 10/4/00 and 10/12/00, further follow up with that Department has revealed that the defendant did, on those dates, also refuse to be interviewed. Please note again that the defendant also refused to cooperate on 8/18/00 when he was placed on recall to the PENS for the very first time. In light of Vrej Torosian's refusal to cooperate with this Department, we have been unable to obtain a defendant's statement nor have we been able to gain any information in regard to his current social circumstances.

Prepared by: SA for Julian Goldsmith  
Julian Goldsmith  
Probation Officer .

Reviewed by: Stephanie Albright  
Stephanie Albright  
Supervising Probation Officer

Submitted by: Sheryl Goldman  
Branch Chief



**NEW YORK CITY DEPARTMENT OF PROTECTION  
PRE-SENTENCE INVESTIGATION**

Probation Case # QS00-03147      Indictment/      SUPREME Court      QUEENS County  
Docket#      3817/99      NYSID #: 5044804Q      FBI #: 942217LA8

Investigating P.O.  
JULIAN GOLDSMITH

**A. PERSONAL INFORMATION**

Name (Last, First, Middle, Maiden) TOROSIAN, VREJ		AKA TOROSIAN VREG; TOROSIAN, VRES TOROSIN FRANK; TOROGIAN, FRANK; TOROSIAN, LIREJ,	
Present Address (Indicate Apt. # or P.H.) 36-09 32ND STREET, LONG ISLAND CITY, N.Y. 11101		Telephone # NONE	
Birthdate 8/23/59	Place of Birth LEBANON	Citizenship U.S.A.	
Marital Status DIVORCED	Lives With N/A	Sex MALE	Race WHITE
Ethnicity 			
Height 5'9"	Weight 160	I.D. Marks 	Social Security # 096-58-3550

**B. PRESENT COURT PROCEEDING**

Judge/Part: HONORABLE DANIEL LEWIS, K-5	Assistant District Attorney: WRIGHT
Counsel's Name/Address: ZARO 123-33 83RD AVENUE, KEW GARDENS, SUITE B, 11415	Defendant's Status at Interview: Custody <input checked="" type="checkbox"/> Liberty <input type="checkbox"/>
Offense Date: 12/27/99	Arrest Date: 12/27/99
Conviction Date: 8/15/00	Scheduled Sentence Date: 9/22/00
Indictment/Information Charges: GRAND LARCENY 4°, CRIMINAL POSSESSION OF STOLEN PROPERTY 4°, UNAUTHORIZED USE OF MOTOR VEHICLE 3°	
Final Charge (Final): CRIMINAL POSSESSION OF STOLEN PROPERTY 4°, UNAUTHORIZED USE OF VEHICLE 3°	

Co-Defendant(s) Name(s)	Co-Defendant(s) NYSID #	Co-Defendant(s) Case Status

**C. LEGAL INFORMATION**

Other Pending Charges/Warrants	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	See Attached Criminal History
Prior Convictions	<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	See Attached Criminal History
Predicate Felon?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	See Attached Criminal History
Current Probation/Parole Supervision	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Prior Probation/Parole Violation	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	If Yes <input type="checkbox"/> Pending <input type="checkbox"/> Completed
Prior History of Absconding/Escapes from Institution/Court	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
Prior History of Bench Warrant	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
History of Violence/Weapons Use	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Youthful Offender	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Juvenile Offender <input type="checkbox"/> Yes <input type="checkbox"/> No
Eligible	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior P.S.I. Attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Birthdate Verified	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Y.O. Recommended	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Disposition: \_\_\_\_\_ Date: \_\_\_\_\_



**D. PRESENT OFFENSE**

- ☐ Defendant was interviewed on:
- ☐ Defendant was not interviewed.
  - ☐ failure of corrections to produce
  - ☒ defendant refused to be interviewed 8/18/00
  - ☐ defendant failed to appear for interview

**Description:**Complainant:

KHEDR KHAED.

ON DECEMBER 27, 1999, AT APPROXIMATELY 5:00 P.M., AT 25-09 31ST AVENUE IN LONG ISLAND CITY, QUEENS, THE DEFENDANT WAS OBSERVED BY THE COMPLAINANT ENTERING HIS VEHICLE. ATTEMPTING TO STOP THE VEHICLE, THE COMPLAINANT INFORMED THE DEFENDANT THAT HE HAD SUMMONED THE POLICE. THE MOTOR VEHICLE HAD BEEN RECOVERED BEFORE THE POLICE ALARM WAS TRANSMITTED.

**Summary of Defendant's Statement:**

AN ATTEMPT WAS MADE TO INTERVIEW THE DEFENDANT ON 8/18/00, THE DEFENDANT REFUSING TO COOPERATE AND BE INTERVIEWED.

**Victim Impact Statement:**

IN SPEAKING WITH KHAED KHEDR, HE INDICATED THAT THE IGNITION TO HIS CAR WAS DAMAGED. HE STATED THAT HE LEAVES THE DISCRETION OF THE SENTENCING TO THE COURTS.

**Analysis of Offense and Criminal History**

AN ANALYSIS OF THE OFFENSE CANNOT BEEN MADE, IN LIGHT OF THE DEFENDANT REFUSE OF COOPERATE AND BE INTERVIEWED. ACCORDING TO AN UPDATED FINGERPRINT SHEET, THE DEFENDANT'S ARREST RECORD IS EXTENSIVE THE NATURE OF THE DEFENDANT'S PRIOR ARREST BEARING A SIMILARITY TO THE INSTANT OFFENSE INDICATING A PATTERN OF ANTI-SOCIAL BEHAVIOR.



## E. SOCIAL HISTORY SUMMARY

## I. Family Members: DEFENDANT REFUSED TO BE INTERVIEWED

Name	Relationship	Address	Telephone

Family Members Currently Incarcerated in State Correctional Facility: ☐ No ☐ Yes

Name of Family Member(s): 1. 2.

Name of Institution(s): 1. 2.

Significant Other or Family Member

Name (Last, First)	Relationship	Address	Telephone
UNKNOWN			

## II. Education:

Highest Grade Completed: UNKNOWN	Name of Current School:
Currently Enrolled: <input type="checkbox"/> No <input type="checkbox"/> Yes	Address:
Learning/Developmentally Disabled: <input type="checkbox"/> No <input type="checkbox"/> Yes	

## III. A. Primary Language: UNKNOWN

Communicates in English: ☐ No ☐ Yes

## B. Age of Defendant Determined by; (Check all that apply)

<input type="checkbox"/> Defendant's Statement <input type="checkbox"/> Birth Certificate <input type="checkbox"/> CJA Report <input type="checkbox"/> Family Member	<input type="checkbox"/> Prior Probation Report <input type="checkbox"/> Court Papers <input type="checkbox"/> NYSD <input type="checkbox"/> Other (Describe):
---	---

## IV. Employment: UNKNOWN

Last Date Worked	Length of Employment	Position/Salary
Employer Name	Employer Address	
Nature of Employment History: <input type="checkbox"/> Stable <input type="checkbox"/> Sporadic <input type="checkbox"/> Nor		



Longest Period of Employment		Position:
From:	To:	
Trade/Vocational Skill(s):		

V. Military History: ☐ No ☐ Yes Service Branch: UNKNOWNDischarge: ☐ Honorable ☐ Other ☐ Yes of Discharge:VI. A. Physical Health: ☐ Good ☐ Problems

Describe significant problems, i.e. diagnosis if known, current medication or need for medication. Is medical assessment indicated?  
UNKNOWN, DEFENDANT REFUSED TO BE INTERVIEWED.

## B. Substance Abuse

	Drugs	Alcohol
Used at Offense	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
List Drugs Used		
Length of Present Use		
History of Abuse	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Age of Onset		
Longest Period of Abstinence		
In Treatment at Time of Offense	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Program Name/Type (Out/Res)		
Prior Treatment Involvement	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Program Name/Type (Out/Res)		

\* An asterisk indicates the drug of choice.

## VII. Mental Health UNKNOWN

Psychiatric History	<input type="checkbox"/> No <input type="checkbox"/> Yes
Diagnosis and Source:	
In Treatment At Arrest If YES, Name of Hospital/Program:	<input type="checkbox"/> No <input type="checkbox"/> Yes
On Medication At Arrest If YES, Name of Medication:	<input type="checkbox"/> No <input type="checkbox"/> Yes
Suicide Attempts	<input type="checkbox"/> No <input type="checkbox"/> Yes
Suicidal Wish or Threats	<input type="checkbox"/> No <input type="checkbox"/> Yes
History of Violence	<input type="checkbox"/> No <input type="checkbox"/> Yes
History of Hospitalization If YES, name of hospital:	<input type="checkbox"/> No <input type="checkbox"/> Yes
Need for Assessment/Treatment/Medication (Give Details):	



## F. EVALUATIVE ANALYSIS

FOR DETAILS OF THE DEFENDANT'S BACKGROUND PLEASE SEE THE ATTACHED PROBATION CASE QS97-01754. AS STATED ABOVE, THE DEFENDANT FAILED TO COOPERATE AND BE INTERVIEWED BY THE PROBATION DEPARTMENT. ACCORDING TO AN UPDATED FINGERPRINT SHEET, THE DEFENDANT'S ARREST RECORD IS EXTENSIVE THE NATURE OF THE DEFENDANT'S PRIOR ARREST BEARING A SIMILARITY TO THE INSTANT OFFENSE INDICATING A PATTERN OF ANTI-SOCIAL BEHAVIOR.

PREPARED BY: JULIAN GOLDSMITH Date

REVIEWED BY: STEPHANIE ALBRIGHT Da

SUBMITTED BY: SHERYL GOLDMAN Da

JG:PW 9/22/00



Probation Case # QS00-03450	Indictment/ Docket#	100/00	SUPREME Court	QUEENS County
Investigating P.O. JULIAN GOLDSMITH			NYSID #: 5044804Q	FBI #: 942218LA8

PRIVILEGED AND CONFIDENTIAL			A. PERSONAL INFORMATION		
Name (Last, First, Middle, Maiden) TOROSIAN, VREJ			AKA TOROSIAN, VREJ; TORGLIAN, FRANK; TOROSIAN, FRANK; TOROSIAN, VREG; TOROSIAN, VRES.		
Present Address (Indicate Apt. # or P.H.) 36-09 32ND ST., ASTORIA, NY 11101			Telephone # N/A		
Birthdate 8/23/59		Place of Birth LEBANON		Citizenship U.S.A.	
Marital Status D		Lives With SELF		Sex M	Race W
Ethnicity		Height 5'8"		Weight 170	
I.D. Marks		Social Security # 096-58-3520			

Judge/Part:	LEWIS K-5	Assistant District Attorney:	WRIGHT
Counsel's Name/Address:	ZARO 123-33 83RD AVENUE 575-9890	Defendant's Status at Interview:	Custody <input checked="" type="checkbox"/> Liberty
Offense Date:	Arrest Date:	Conviction Date:	Scheduled Sentence Date:
1/9/00	1/9/00	9/22/00	10/31/00
Indictment/Information Charges: C.P.S.P. IV			

Co-Defendant(s) Name(s)	Co-Defendant(s) NYSID #	Co-Defendant(s) Case Status

Other Pending Charges/Warrants	<u>  </u> No	<u>  </u> Yes	See Attached	Criminal History
Prior Convictions	<u>  X  </u> Fel	<u>  X  </u> Misd		
Predicate Felon?	<u>  </u> No	<u>  X  </u> Yes	See Attached	Criminal History
Current Probation/Parole Supervision	<u>  X  </u> No	<u>  </u> Yes		
Prior Probation/Parole Violation	<u>  </u> No	<u>  X  </u> Yes	If Yes Pending <u>  X  </u> Completed	
Prior History of Absconding/Escape from Institution/Court	<u>  X  </u> No	<u>  </u> Yes		
Prior History of Bench Warrant	<u>  </u> No	<u>  X  </u> Yes		
History of Violence/Weapon Use	<u>  X  </u> No	<u>  </u> Yes		

Youthful Offender Eligible                    Yes <u>X</u> No Required                    Yes <u>X</u> No Birthdate Verified        Yes <u>X</u> No Y.O. Recommended        Yes <u>X</u> No	Juvenile Offender        Yes <u>X</u> No Prior P.S.I. Attached <u>X</u> Yes    No
---	--

Date:



**D. PRESENT OFFENSE**

- ☐ Defendant was interviewed on:
- ☒ Defendant was not interviewed.
- ☒ failure of corrections to produce 10/4; 10/12
- ☐ defendant refused to be interviewed
- ☐ defendant failed to appear for interview

**Description:**

Complainant: SAMIR BADDOUR

ON OR ABOUT 1/9/00 AT APPROXIMATELY 11:45 A.M. AT THE CORNER OF 37TH AVENUE AND 30TH STREET, ASTORIA, QUEENS, THE DEFENDANT STOLE TWO CREDIT CARDS AND TOOLS FROM THE COMPLAINANT, WITHOUT HIS PERMISSION OR AUTHORITY.

THE DEFENDANT'S APPREHENSION CAME ABOUT THE RESULT OF A PASSER-BY OBSERVING THE DEFENDANT WALKING AWAY FROM A 1989 MOTOR VEHICLE FROM WHICH WAS TAKEN CREDIT CARDS AND TOOLS. THEY BELONGED TO THE COMPLAINANT.

**Summary of Defendant's Statement:**

TWO ATTEMPTS WERE MADE TO INTERVIEW THE DEFENDANT. ON THE COURT ORDER FOR INVESTIGATION REPORT IT INDICATES THAT AN ARMENIAN INTERPRETER IS NEEDED. AN ARMENIAN INTERPRETER WAS REQUESTED FOR 10/4/00. HOWEVER, ON THAT DAY, THE INTERPRETER PROVIDED DID NOT SPEAK THE LANGUAGE AND AS SUCH, COULD NOT ASSIST IN THE INTERVIEW PROCESS. HOWEVER, IT DIDN'T MATTER, BECAUSE THE DEFENDANT WAS NOT PRODUCED BY THE DEPT. OF CORRECTIONS ON THAT DATE. A SECOND ATTEMPT WAS MADE TO INTERVIEW THE DEFENDANT ON 10/12/00 WITH THE HOPE THAT THE DEFENDANT SPOKE ENGLISH ON THE BASIS THAT A PRIOR PROBATION INVESTIGATION CONDUCTED INDICATED THAT THE DEFENDANT DID IN FACT SPEAK ENGLISH. THE SECOND ATTEMPT ON 10/12/00 WAS UNSUCCESSFUL AS WELL DESPITE THE FACT THAT ALL IDENTIFYING INFORMATION INCLUDING WHERE HE WAS HOUSED, AS WELL AS HIS BOOK AND CASE NUMBER, NO. 441-00-00874, WAS PROVIDED.

**Victim Impact Statement:**

AS OF THIS DATE, WE HAVE BEEN UNABLE TO OBTAIN A VICTIM IMPACT STATEMENT.

**Analysis of Current Offense and Legal History:**

AN ANALYSIS OF THE OFFENSE CANNOT BE MADE IN LIGHT OF THE DEFENDANT NOT BEING AVAILABLE FOR PROBATION INVESTIGATION.

ACCORDING TO AN UPDATED FINGERPRINT SHEET, THE DEFENDANT'S ARREST RECORD IS EXTENSIVE.



**D. PRESENT OFFENSE (Continued)****Analysis of Current Offense and Legal History:**

THE NATURE OF THE DEFENDANT'S PRIOR ARRESTS BEING A SIMILARITY TO THE INSTANT OFFENSE, INDICATING A PATTERN OF ANTI-SOCIAL BEHAVIOR.

THE COURT SHOULD TAKE NOTE OF THE FACT THAT THE DEFENDANT UNDER IND. # 1134/97 IN QUEENS SUPREME COURT RECEIVED 5 YEARS PROBATION AFTER PLEADING GUILTY TO CRIMINAL POSSESSION STOLEN PROPERTY IV. THE DEFENDANT'S ADJUSTMENT TO PROBATION WAS LESS THAN SATISFACTORY. AS RESULT OF A REVOCATION OFFENSE AND AS SUCH HIS PROBATION WAS DISCHARGED ON 4/6/98. HE WAS RESENTENCED TO ONE YEAR ON THAT DATE.



## E. SOCIAL HISTORY SUMMARY

## I. Family Members:

Name	Relationship	Address	Telephone

Family Members Currently Incarcerated in State Correctional Facility: ☐ No ☐ Yes

Name of Family Member(s): 1. 2.

Name of Institution(s): 1. 2.

Significant Other or Family Member

Name (Last, First)	Relationship	Address	Telephone

## II. Education:

Highest Grade Completed:	Name of Current School:
Currently Enrolled: <input type="checkbox"/> No <input type="checkbox"/> Yes	Address:
Learning/Developmentally Disabled: <input type="checkbox"/> No <input type="checkbox"/> Yes	

## III. A. Primary Language: \_\_\_\_\_

Communicates in English: ☐ No ☐ Yes

## B. Age of Defendant Determined by: (Check all that apply)

<input type="checkbox"/> Defendant's Statement <input type="checkbox"/> Birth Certificate <input type="checkbox"/> CJA Report <input type="checkbox"/> Family Member	<input type="checkbox"/> Prior Probation Report <input type="checkbox"/> Court Papers <input type="checkbox"/> NYSID <input type="checkbox"/> Other (Describe) _____
---	---

## IV. Employment:

Last Date Worked	Length of Employment	Position/Salary
Employer Name	Employer Address	
Nature of Employment History: <input type="checkbox"/> Stable <input type="checkbox"/> Sporadic <input type="checkbox"/> No		



Longest Period of Employment	
From:	To: Position:
Trade/Vocational Skills:	

V. Military History: ☐ No ☐ Yes Service Branch: \_\_\_\_\_Discharge: ☐ Honorable ☐ Other Year of Discharge: \_\_\_\_\_VI. A. Physical Health: ☐ Good ☐ Problems

Describe significant problems, i.e. diagnosis if known, current medication or need for medication. Is medical assessment indicated?

## B. Substance Abuse

	Drugs	Alcohol
Used at Offense	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
List Drugs Used		
Length of Present Use		
History of Abuse	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Age of Onset		
Longest Period of Abstinence		
In Treatment at Time of Offense	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Program Name/Type (Out:Res)		
Prior Treatment Involvement	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Program Name/Type (Out:Res)		

\*An asterisk indicates the drug of choice.

## VII. Mental Health

Psychiatric History	<input type="checkbox"/> No <input type="checkbox"/> Yes
Diagnosis and Source:	
In Treatment At Arrest If YES, Name of Hospital/Program:	<input type="checkbox"/> No <input type="checkbox"/> Yes
On Medication At Arrest If YES, Name of Medication:	<input type="checkbox"/> No <input type="checkbox"/> Yes
Suicide Attempts	<input type="checkbox"/> No <input type="checkbox"/> Yes
Suicidal Wish or Threats	<input type="checkbox"/> No <input type="checkbox"/> Yes
History of Violence	<input type="checkbox"/> No <input type="checkbox"/> Yes
History of Hospitalization If YES, name of hospital:	<input type="checkbox"/> No <input type="checkbox"/> Yes
Need for Assessment/Treatment/Medication (Give Details):	



## F. EVALUATIVE ANALYSIS

FOR BACKGROUND INFORMATION ON THE DEFENDANT, PLEASE SEE CASE NUMBER QS97-01754.

AS STATED ABOVE, THE DEFENDANT WAS UNAVAILABLE FOR PROBATION INVESTIGATION, NOT BEING PRODUCED BY THE DEPT. OF CORRECTIONS FOR UNKNOWN REASONS.

ACCORDING TO AN UPDATED FINGERPRINT SHEET, THE DEFENDANT'S ARREST RECORD IS EXTENSIVE. THE NATURE OF THE DEFENDANT'S PRIOR ARRESTS BEARING A SIMILARITY TO THE INSTANT OFFENSE, INDICATING A PATTERN OF ANTI-SOCIAL BEHAVIOR.

PREPARED BY: Julian Goldsmith 10/31  
JULIAN GOLDSMITH Date

REVIEWED BY: Stephanie Albright 10/31  
STEPHANIE ALBRIGHT E

SUBMITTED BY: \_\_\_\_\_  
SHERYL GOLDMAN D



4



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OSTER CORRECTIONAL FACILITY  
Massanautten, New York

File No. A 35 345 047

November 27, 2001

In the Matter of

VREJ OHANNES TOROSIAN,	)	IN REMOVAL PROCEEDINGS
	)	
Respondent	)	

CHARGE: 237(a)(2)(A)(iii) of the Immigration Act.

APPLICATION: Deferral of removal only, under Article III of the  
U.N. Convention Against Torture.

ON BEHALF OF RESPONDENT:

ON BEHALF OF SERVICE:

Pro se

Pamela Lee Abisalle, Esquire  
Trial Attorney

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent in this case is a 41-year-old, divorced male, who is a citizen and national of the country of Iraq. He was admitted to this country in New York City, New York on May 7, 1976 as a lawful permanent resident.

Since arriving in this country, he was convicted of a lot more crimes than I'm going to read off, but the ones that are charged on the Notice to Appear are the convictions I will be reading. He was convicted of grand larceny in the fourth degree, in violation of Section 155.30 of the New York State Penal Law.



This judgment was entered around November 29, 2000 in the Supreme Court, State of New York, County of Queens, under Indictment Number 100-2000. The respondent received two to four years for that in the New York State Prison. He was also convicted on the same date, in the same court, under the same indictment, of criminal possession of stolen property in the fourth degree. This time in violation of 165.45 of the New York State Penal Law, and he received a two to four year sentence for that. At the same hearing, on November 29, 2000, in the same court in Queens County, under the same indictment, he was convicted of criminal possession of stolen property in the fifth degree, in violation of Section 165.40 of the New York State Penal Law, and for this conviction, he received a one-year sentence in New York State Prison. None of those convictions are on appeal. Therefore, they are final for immigration purposes.

On the 31<sup>st</sup> of January of 2001, a Notice to Appear was issued in this case to charge this respondent with removability under the above provision of the Immigration and Nationality Act. Page two of Exhibit 1 indicates this respondent was actually served by regular mail on the 16<sup>th</sup> of February of 2001 with a copy of the Notice to Appear, and he has lodged no challenge to the jurisdiction of this Court.

The respondent in this case has appeared without counsel. Under oath, and without counsel, he has admitted each and every one of the allegations, one, two, three, four, five,



six and seven, which are all the allegations in the Notice to Appear. Based on his admissions and based on the documents at Exhibit 2 in this record of proceeding, the Court finds that the respondent is an alien from Iraq, and he has been convicted of several aggravated felonies, and he may be removed from this country and deported under 227(a)(2)(A)(iii), and that alien is, and removability in his case have been established by clear and convincing evidence.

The respondent first came to this Court on the 17<sup>th</sup> of April 2001, after being fully advised by this Court of his right to have counsel at his own expense. He was given an adjournment until May 22<sup>nd</sup>, to get an attorney. He came back. He had no lawyer. He asked for, and was given another six weeks, until July 10<sup>th</sup>, to get an attorney. He came back on July 10<sup>th</sup> with no attorney. He was given yet a third adjournment of another six weeks, more than six weeks this time, until August 28<sup>th</sup>, to get himself an attorney. He never did get an attorney, even though he had four and a half months to get one, and the Court found that he had had more than a reasonable time to get a lawyer. He failed to do so, and he was required to represent himself without a lawyer.

The respondent in this case has submitted an application for deferral of removal relief, under the Article III of the U.N. Convention Against Torture. That application has been received and marked as Exhibit Number 9 in this case. The



respondent has testified today that he believes that it is more likely than not that he will be tortured if he returns to his native country of Iraq. The Immigration Service has contested his right for deferral of removal. The respondent's testimony today was practically totally devoid of any evidence of any torture whatsoever, either to his father or to himself, or any possibility that he will be tortured if he does return to his native country. The respondent, in order to get a grant of relief in this case, under the deferral of removal, Convention Against Torture, he must show that it is more likely than not that he will be tortured if he is returned to Iraq, and torture is described as an extreme form of cruel and inhuman treatment. It is defined to be any act by which severe pain or suffer, whether it is physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, information or a confession, or punishing him for an act he has committed or suspected of committing, when such pain or suffering is inflicted by or at the instigation of, or with the consent or acquiescence of a public official, or any other person acting in an official capacity. The respondent in this case left the country of Iraq when he was around 15 years old. He was never tortured by any government official. He says that he was beaten, and his mother's letter seemed to indicate that too, but she's not here for cross-examination, and the respondent doesn't really remember that much. What he says is, he was age five that he was beaten



by a government official. That did not rise to the level of torture, in any event, regardless of whether his mother is here to testify about it or not. The only other testimony was, he says his father, he thinks, was tortured back in 1967, and that he left himself when he was 15. He came, the respondent did, and that they were deported from Iraq in 1968 or 1969. He indicated that he has a number of people, family members, in this country. His mother is in Florida, his father is deceased, a brother in New Jersey, a brother in Florida, a sister in Florida, and one in Argentina, a grandmother in California. That is basically the extent of his testimony. The Court has found that the respondent has not provided sufficient evidence in support of the allegation that he, himself, would be subjected to torture if he were to return to his native country of Iraq. He presented entirely different circumstances, and the Court has taken into consideration the fact that the respondent has no witnesses here today, and if he does fear torture when he does return, he has failed to prove that to the satisfaction of the Court. And it might be a good thing at this time, in this oral decision, to indicate that the respondent has already had one grant of withholding of removal, and since this time, he has been found guilty of a goodly number of crimes in this country, and he has not shown that it is more likely than not that he would be tortured upon his return. He even indicated in his testimony today that he had seen in the Country Reports of Conditions, and



pld

that people who were deported to Iraq were tortured. I gave him 10 minutes off the record to find it, and he was unable to do that. So the Court finds that the respondent has had every opportunity to prove his case, and he has failed to satisfy the burden of proof in his application for deferral of removal, since he has not shown that it is more likely than not he would be tortured if returned to Iraq. His deferral of removal application is hereby denied.

---

JOE D. MILLER  
Immigration Judge



CERTIFICATE PAGE

I hereby certify that the attached proceeding before JUDGE  
JOE D. MILLER, in the matter of:

VREJ OHANNES TOROSIAN

A 34 345 047

Massanautten, New York

was held as herein appears, and that this is the original  
transcript thereof for the file of the Executive Office for  
Immigration Review.

Patti Destajo  
(Patti Destajo, Transcriber)

Deposition Services, Inc.  
6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

December 30, 2001  
(Completion Date)



5





U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals  
Office of the Clerk

5201 Leesburg Pike, Suite 1300  
Falls Church, Virginia 22041

TOROSIAN, VREJ  
C/O 3400 CONCORD ROAD  
YORK, PA 17402-0000

INS-Ulster Correction Facility/UL  
Berme Road  
Napanoch, NY 12458

Name: TOROSIAN, VREJ

A35-345-047

Date of this notice: 03/22/2002

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Very Truly Yours.

Lori Scialabba  
Acting Chairman

Enclosure

Panel Members:

BARTON, ROBERT L.  
HESS, FRED  
OHLSON, KEVIN A.



U.S. Department of Justice  
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A35 345 047 - Napanoch

Date:

MAR 22 2002

In re: VREJ OHANNES TOROSIAN a.k.a. Torosian Vej a.k.a. Vrej O. Torosian a.k.a.  
Vreg Torosian a.k.a. Vres O. Torosiaan a.k.a. Frank Torogian a.k.a. Frank Tdrosian a.k.a.  
Frank Torogian a.k.a. Urej Torosian a.k.a. Frank Torosian a.k.a. Vrej Torosian

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF SERVICE: Pameley Abasali  
Assistant District Counsel

CHARGE:

Order: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -  
Convicted of aggravated felony

ORDER:

PER CURIAM. The appeal is dismissed. We have reviewed the record of proceedings, including the respondent's contentions on appeal. We find the Immigration Judge adequately and correctly addressed the issues presented, and his decision is affirmed based upon and for the reasons set forth in that decision. Consequently, we find no error in the Immigration Judge's decision finding the respondent ineligible for asylum and withholding of removal under sections 208(b)(2)(B)(i) and 241(b)(3)(B)(ii) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158(b)(2)(B)(i) and 1231(b)(3)(B)(ii), due to his statutory ineligibility in light of his aggravated felony convictions and the finding that he had not established any basis upon which relief under the Convention Against Torture could be granted. In addition, we find no merit in the respondent's contention that the Immigration Judge erred in denying him an opportunity to retain counsel. The hearing was continued on three occasions to provide the respondent time to contact an attorney. We are satisfied that the respondent's right to obtain counsel was complied with and that his removal hearing was fair. Accordingly, the appeal is dismissed. The request for oral argument before the Board is denied.

  
FOR THE BOARD



6





U.S. Department of Justice  
Immigration and Naturalization Service

Philadelphia District

1600 Callowhill Street  
Philadelphia, PA 19108

Torosian, Vrej Ohannes - A35 345 047  
C/O Montgomery County Correctional Facility  
60 Eagleville  
Norristown, PA. 19403

July 11, 2002

**Decision by District Director to Continue Detention  
Upon Expiration of Removal Period**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of the Immigration and Naturalization Service (INS) at this time. This decision has been made based on a review of your file and consideration of the information submitted to INS reviewing officials in support of your application for release.

After carefully weighing the factors pertaining to your case, you will not be released from the custody of the INS because:

*You have been arrested and convicted of various offenses for a fourteen-year period. Your last offense for Grand Larceny resulted in a two to four year sentence. You have received disciplinary actions while in State custody. You have displayed a pattern of anti social behavior for which you have not taken any rehabilitative steps to overcome. You have not through clear and convincing evidence proven that you would not pose a threat to the community, or become a risk of flight if released.*

Control of your custody case will be:

☒ Transferred to the INS Headquarters Post Order Detention Unit. Your situation will be reviewed again by that unit within 30 days after it receives the case. They will send a notice to you when they schedule that review. Any material touching on your qualifications for release that you wish to have considered should be submitted to that office. You will find their address at the bottom of the next page.

☐ Maintained at this office for another 90 days. If no travel document is obtained within that period, control will be transferred to the INS Headquarters Post Order Detention Unit. Until that time any inquiries or material that you wish to have considered should be submitted to:

David W. Savina  
(Officer Name)

at 1287 County Welfare Rd. Leesport, PA 19533  
(Office Address)

Kenneth J. Elwood by g2  
Signature of District Director/Designated Representative  
(Page 1 of 2)

7/12/02  
Date



**PROOF OF SERVICE**

**(1) Personal Service (Officer to complete both (a) and (b) below.)**

(a) I \_\_\_\_\_  
*Name & Title of INS Officer*  
certify that I served \_\_\_\_\_ with a copy  
*Name of detainee*  
of this document at \_\_\_\_\_ on \_\_\_\_\_, at \_\_\_\_\_  
*Institution Date Time*

**(2) Service by certified mail, return receipt. (Attach copy of receipt)**

I David W. Savina - Deportation Officer, certify that I served Vrej Torosian A35 345 047  
*Name & Title of INS Officer Name of detainee*  
Via institutional mail the custodian of records at Montgomery County C.F.  
*Institution*  
with a copy of this document by certified mail at on 07/11/02  
*Date*

( ) CC: Attorney of Record or Designated Representative  
(X) CC: A-File

ADDRESS FURTHER CORRESPONDENCE TO:  
INS Enforcement  
801 I St. NW, Suite 801  
Washington, D.C. 20536

Attn: Headquarters Post Order Detention Unit

(Page 2 of 2)

6002 EOTE 0001 0000 0270 0000

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only, No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, Zip+4	

For the Government of the United States of America



7



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
YORK, PA

FILE: A35-345-047

IN THE MATTER OF:

TOROSIAN, VREJ

RESPONDENT

IN REMOVAL PROCEEDINGS

*Pro se*

ORDER OF THE IMMIGRATION JUDGE  
WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Immigration and Naturalization Service and the respondent, it is hereby

☐ ORDERED that the request for a change in custody status be denied.

☐ ORDERED that the request be granted and that respondent be:

☐ released from custody on his own recognizance

☒ released from custody under bond of \$ 12,000 -

☐ OTHER \_\_\_\_\_

Copy of this decision has been served on the respondent and the Service.

APPEAL: waived ~~reserved~~

*4-4-02*

YORK -- YORK COUNTY PRISON

Date:

*[Signature]*  
WALTER A. BURLING  
Immigration Judge  
*March 5, 2002*



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
YORK, PENNSYLVANIA

IN THE MATTER OF Vrej TOROSIAN  
A # 35-345-047  
DATE OF REDETERMINATION 3/5/02  
DECISION \$12,000

On Behalf of Respondent

On Behalf of Service

Pro Se

BOND REDETERMINATION MEMORANDUM

In a recent decision by the United States Court of Appeals for the Third Circuit in Patel v. Zemski, 275 F.3d 299 (3<sup>rd</sup> Cir.), the court found that the mandatory custody rules set forth in section 236(c) of the Immigration and Naturalization Act were unconstitutional to the extent that aliens, and particularly lawful permanent residents, are not permitted to establish that they are not a flight risk or danger to the community. That is, even those aliens with a criminal record are entitled to a substantive bond hearing. Thus, all Board decisions relating to the mandatory custody provisions of section 236(c) have been effectively overruled by the Third Circuit.

I have duly considered the standard of review as set forth in Matter of Andrade, 19 I&N Dec. 488 (BIA 1987). In so doing, I have taken particular note of the Third Circuit's observation in Patel that "government detention violates substantive due process unless it is ordered in...special and narrow non-punitive circumstances...where a special justification...outweighs the individual's constitutionally protected interest in avoiding physical restraint," citing Zadvydas v. Davis, 121 S.Ct. 2491 at 2499 (2001).

1. General Information

Nativity Iraq  
Citizenship \_\_\_\_\_  
Age 42  
Lawful permanent resident? yes since 1976  
Other lawful entry? \_\_\_\_\_



2. Factors indicating dangerousness

☒ a. Criminal conviction

☒ i. Referenced in Order to Show Cause or Notice to Appear

a. Sentence \_\_\_\_\_

b. Time served \_\_\_\_\_

c. Comments \_\_\_\_\_

*Ordered removal on bond liveness 4th day +  
criminal possession of stolen property - 11/27/00*

☒ ii. Other (Specify)

*multiple convictions*

*(illegal vehicle possession - conditional discharge) 1997*

*(criminal possession controlled substance - 1995 + 1996)*

☐ b. Nature of offense indicates propensity for violence

☐ c. Restraining order

☐ d. Other (Specify) \_\_\_\_\_

3. Factors relevant to risk of flight from further proceedings:

☐ a. Family ties to United States citizens

☐ Father ☐ Mother ☐ Spouse ☐ Children ☐ Siblings ☐ Grandparents

☐ Aunts, Uncles, Cousins ☐ Other (Specify) \_\_\_\_\_

Comments: \_\_\_\_\_

☐ b. Family ties to Legal Permanent Residents

☐ Father ☐ Mother ☐ Spouse ☐ Children ☐ Siblings ☐ Grandparents

☐ Aunts, Uncles, Cousins ☐ Other (Specify) \_\_\_\_\_

Comments: \_\_\_\_\_

☒ c. Employment history

Occupation (primary) *construction laborer* (secondary) *painter*

Current employer \_\_\_\_\_

Approximate length of time with current employer \_\_\_\_\_

Previous employer \_\_\_\_\_

☐ d. Past immigration violations

☐ Came into the United States without inspection or admission

☐ Visa overstay

☐ Previously excluded, deported, or removed

☐ Other (Specify) \_\_\_\_\_

☒ e. Prior record at criminal or immigration proceedings

☐ Criminal proceedings

☒ Bench warrant(s) issued *1994*

☐ Contempt citations

☐ Probation or parole violations

☐ Other (Specify) \_\_\_\_\_



- ☐ Immigration proceedings  
    ☐ In absentia order  
    ☐ Failure to depart after ordered deported or removed  
    ☐ Other (Specify) \_\_\_\_\_
- ☐ f. Nature of criminal and/or immigration violations demonstrates  
    ☐ Deceitful character  
    ☐ Lack of respect for authority  
    ☐ Other (Specify) \_\_\_\_\_
- ☐ g. Already under supervision of state or federal authority  
    ☐ Probation  
    ☐ Parole  
    ☐ Other (Specify) \_\_\_\_\_
- ☐ h. Apparent eligibility for relief from removal  
    ☐ Cancellation of removal or suspension of deportation  
    ☐ Adjustment of status  
    ☐ Asylum, Withholding of Removal, or Convention against Torture  
    ☐ None  
    ☐ Other (Specify) \_\_\_\_\_

4. Additional Comments

- bond motion considered  
- 2 children (17-20) live with ex-spouse  
- R lives in Boynton Beach, Fla in home owned by father for past 4 yrs.  
- Under EI removal order 11-29-00

☐ Accordingly, based on the above noted factors, the Court finds that the Respondent presents a threat to the community or a significant flight risk and should be **detained** in the custody of the Immigration and Naturalization Service **without bond**.

☒ Accordingly, based on the above noted factors, the Court finds that the Respondent presents a risk of flight and that a bond in the amount of \$12,000 is necessary to ensure the Respondent's presence at further immigration proceedings.

  
Immigration Judge

6-11-02  
Date



8





U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals  
Office of the Clerk

5201 Leesburg Pike, Suite 1300  
Falls Church, Virginia 22041

*Buhs*  
*MFA*  
*Dismissed*  
*5/31/02*

\*S-TOROSIAN, VREJ OHANNES  
INMATE #: 00 R 7281 Inmate Housing: MOH  
A35 345 047  
C/O 3400 CONCORD ROAD  
YORK, PA 17402-0000

INS LIT./York Co. Prison/YOR  
3400 Concord Road  
York, PA 17402

Name: \*S-TOROSIAN, VREJ OHANNES

A35-345-047

Date of this notice: 05/30/2002

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Lori Scialabba*

Lori Scialabba  
Acting Chairman

Enclosure

Panel Members:  
HOLMES, DAVID B.

RECEIVED  
DEPARTMENT OF JUSTICE  
2002 MAY 31 A 8:36



**U.S. Department of Justice**  
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

---

File: A35 345 047 - York

Date:

**MAY 30 2002**

In re: VREJ TOROSIAN

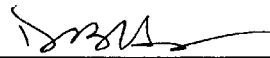
IN BOND PROCEEDINGS

APPEAL

ON BEHALF OF SERVICE:      Maureen C. Gaffney  
Assistant District Counsel

ORDER:

PER CURIAM. This is an Immigration and Naturalization Service appeal from an Immigration Judge's March 5, 2002, bond order. There is now an administratively final order in the instant case. Accordingly, the instant bond appeal from the Immigration Judge's bond order is dismissed as moot and the Immigration Judge's bond order is vacated as moot.



---

FOR THE BOARD